

**REMARKS**

Claims 1, 2, 4-13, 17, 18 and 20 were pending in this application. Claims 1, 2, 4-6, 8-13, 17 and 20 have been amended herein. Claims 63-66 have been added.

Support for the amendments to the claims may be found throughout the specification and in the claims as originally filed. Specifically, support for the amendment to claim 1 can be found at, for example, in claim 1 as previously examined for administration of individual agents and at page 13, lines 34-35 and page 14, lines 5-20. The remaining claim amendments simply clarify the claim language. Support for new claim 63-65 can be found at least at claim 1 as previously examined. Support for new claim 66 can be found at least at page 25, line 10.

No new matter has been added by the claim amendments. The amendments to the claims and the cancellation of certain claims should not be construed as an acquiescence to the validity of the Examiner's rejections and were done solely in the interest of expediting prosecution and allowance of the claims. Applicants reserve the right to pursue the claims as originally filed in one or more further applications.

Moreover, in view of the amendments and arguments set forth herein, the number of issues for appeal has been reduced. Specifically, it is believed that the Examiner's rejection under §112, second paragraph have been obviated by the claim amendments/arguments set forth herein. Further, with respect to the amendments it is Applicants' understanding that the amendments presented herein will not require further search, in particular since the claim amendments simply clarify the claim language as suggested by the Examiner or further limit the claims previously examined. Therefore, the claim amendments made herein are permissible under 37 C.F.R. §1.116 as reducing the number of issues for appeal, and Applicants respectfully request that the present Amendment be entered.

**Correction of the Title**

Applicants note that the title of this application is not listed correctly. Please correct the title to read "METHODS OF TREATING INFLAMMATION BY ADMINISTRATION OF HEME OXYGENASE-1 AND PRODUCTS OF HEME DEGREDDATION". Correction of the

title was previously requested in the Amendment and Response filed December 26, 2008.

Applicant requests a copy of an updated filing receipt reflecting the correction.

### **INTERVIEW SUMMARY**

The interview conducted between Examiner Robinson and Applicant's representative, Megan Williams on June 4, 2010 is gratefully acknowledged. During the interview, the Examiner and Applicants' counsel discussed proposed amendments, as set forth above. Applicants thank the Examiner for her helpful suggestions.

### **CLAIM OBJECTIONS**

Claim 1 has been objected to as containing several informalities and the Examiner sets forth suggested claim amendments. Again, Applicant thanks the Examiner for her helpful suggestions. Claim 1 has been amended herein and it is believed that the informalities objected to have been rendered moot.

Applicant's note that, although not the subject of a formal objection, the Examiner has suggested amendment of claim 1 to indicate that the inflammatory disorder be mediated by free radical damage. Applicants note that the specification defines inflammatory disorders much more broadly than this, see e.g., page 38 of the specification, beginning at line 30. Although inflammation can be mediated, at least in part, by free radical damage, other mediators of inflammation, e.g., physical, chemical, and biologic agents, are described in the specification. In addition, the working examples of the application show that the claimed methods are useful in a wide range of animal models of inflammation including, for example, a dextran sodium sulfate model of colitis, several organ and cellular transplantation models, a model of ischemia reperfusion injury, as well as a model of endotoxic shock. Accordingly, restriction of the claims to inflammation brought about by a specific mediator is unduly limiting.

### **Claim Rejections Under 35 USC, 112**

Claims 1-2, 4-13, 17-18 and 20 have been rejected under 35 USC, 112 second paragraph for containing the indefinite language "comprising, the method comprising." In addition, the

Examiner requests that the claim indicate that a patient to be treated be indicated to be in need of such a treatment. Claim 1 has been amended herein, thereby rendering the rejection moot.

**CONCLUSION**

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested. If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

The Commissioner is hereby authorized to charge any deficiency in the fees paid herewith, or credit any overpayment, to Deposit Account No. 12-0080, under Order No. CNZ-006USRCE, from which the undersigned is authorized to withdraw.

Dated: October 15, 2010

Respectfully submitted,

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